REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 16-44, as well as newly added Claims 48-53, the only claims pending and under examination at this time.

All of the independent claims, and therefore all of the dependent claims thereon, have been amended to clarify that the presenter protein that is bound by the presenter protein ligand is not the drug target that is bound by the drug moiety. Support for this amendment can be found in the specification at page 17, lines 29-35 and throughout the application. In addition, Claims 29, 33 and 35 have been amended to limit the bifunctional molecule to one that is less than about 5000 daltons, support for this amendment being found at least in the other pending claims. Furthermore, new claims 48 to 53 find support in the previously pending claims and specification where it is taught that the drug and present protein ligands may be joined to each other through a linking group. As such, the above amendments introduce no new matter and their entry by the Examiner is respectfully requested.

It is noted that the above amendments have been made solely in order to expedite prosecution of the present application to allowance. The Applicants expressly reserve the right to pursue the claims in their original form and do not admit that such claims in their original form are unpatentable for any of the reasons cited in the Office Action.

Turning now to the rejections presented in the Office Action, Claims 29-37 were rejected under 35 U.S.C. § 112, 1st ¶. In view of the above amendments that adopt the Examiner's suggestion for overcoming this rejection, it is respectfully submitted that this rejection may be withdrawn.

Claims 16-44 were rejected under 35 U.S.C. § 112, 2nd ¶ for a number of reasons. In view of the above amendments which address each of the listed reasons, e.g., by removing the objected to language and/or adopting the Examiner's suggestion, it is respectfully submitted that this rejection may be withdrawn.

Finally, Claims 16-44 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Chakraborty et al or Crabtree et al in view of Young et al, Lussow et al, Pouletty et al or Kramer et al for the asserted reason that since both Chakraborty and Crabtree disclose ligands such as FK506 that bind to peptidyl prolyl isomerase (FKBP), and Young et al, Lussow et al, Pouletty et al and Kramer et al disclose producing conjugates where one part is a drug and the other part has affinity for a cell or part thereof to target the drug to a specific location, the claimed invention is obvious because it would have been obvious to produce and use a conjugate of a drug and a ligand of FKBP when desiring to target the drug to FKBP.

The Examiner appears to read the claims to include within their scope the situation where the presenter protein ligand actually binds to the drug target and therefore targets the drug moiety to its target. See e.g., the office action at Page 5, where the Examiner states: "It would have been obvious to form a conjugate of a drug and the ligand of FKBP when desiring to target the drug to the FKBP as suggested by Young et al, Lussow et al, Pouletty et al or Kramer et al." In this statement, the presenter protein ligand, FKBP is the same as the drug target. As such, the Examiner's position is founded on the premise that the claims include within their scope the embodiment of the presenter protein ligand binding to the drug target, an embodiment assertedly made obvious by the cited combined teaching of the multiple references.

As clarified by the above amendments, the presenter protein ligand of the molecules employed in the claimed methods must bind to a presenter protein that is not the drug target of the drug moiety. In other words, the drug moiety of the bifunctional molecule binds to a drug target that is not the presenter protein bound by the presenter protein ligand—i.e., the drug moiety and the presenter protein ligand bind to different

entities. As such, the claims clearly distinguish over that which is assertedly suggested by the combined teachings of the references because the drug moiety and the presenter protein ligand do not bind to the same molecule.

Therefore, the claimed methods are clearly patentable over the combined teachings of the references because the combined teachings of the references in no way teach or suggest methods of using a molecule in which the presenter protein ligand and the drug moiety do not bind to the same molecule, but instead bind to different targets.

Accordingly, Claims 16-44 are not obvious under 35 U.S.C. § 103(a) over the teachings of Chakraborty or Crabtree in view of Young, Lussow, Pouletty or Kramer and this rejection may be withdrawn.

CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 7.11.03

By: _____
Bret E. Field
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231
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